

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Stage Application of:
Shimon WEISS *et al.*

Application No.: 10/593,059

Confirmation No.: 7239

Filed: September 15, 2006

Title: SPLIT ENZYME LINKED
IMMUNOSORBENT AND NUCLEIC
ACID ASSAYS

U.S. National Stage of International
Application No. PCT/US2005/008621

Art Unit: 1634

Examiner: Frank W.M. Lu

Atty. Dkt. No.: 58086-235410

Customer No.
26694
PATENT TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in Response to the Requirement for Election of Species mailed November 25, 2009. Applicant, by its attorneys, Responds to the Requirement for Election of Species by electing without traverse as indicated below.

For clarity, Applicant reiterates the Examiner's view of distinct species as expressed in the Requirement for Election of Species:

- Species (A): Said biologically active enzyme is renilla luciferase (claim 7);
- Species (B): Said biologically active enzyme is B-lactomase (claim 7);
- Species (C): Said biologically active enzyme is B-galactosidase (claim 7).

In light of the requirement to elect, Applicant elects for search purposes, without traverse, Species (A), that is, wherein said biologically active enzyme is renilla luciferase. Claims encompassing this elected species include claims 1-10 and 12-13.

Although the election of Species (A) is made without traverse, Applicant specifically reserves the right to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim, upon the allowance of a generic claim.

Applicant understands that no fee is due for the filing of this Response. However, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), and to refund any excess payment of fees to Deposit Account No. 22-0261, under Order Number 58086-235410.

Applicant respectfully requests that a Notice of Allowance be timely issued in this case.

Respectfully submitted,

Dated: December 22, 2009

By: 

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